

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

THE ENVIRONMENTAL PROTECTION AGENCY

Coastal Nonpoint Pollution Control Program: Determination that Oregon has Failed to Submit an Approvable Coastal Nonpoint Pollution Control Program.

AGENCY: National Oceanic and Atmospheric Administration, U.S. Department of Commerce, and the U.S. Environmental Protection Agency.

ACTION: Notice of Determination that Oregon has Failed to Submit an Approvable Coastal Nonpoint Program.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) and the U.S. Environmental Protection Agency (EPA) announce the federal agencies' determination that Oregon has failed to submit an approvable Coastal Nonpoint Pollution Control Program. Prior to making this determination, NOAA and EPA invited public input on the federal agencies' proposed decision and reasoning for such a decision (See December 20, 2013, Federal Register Notice 78 FR 77104). The federal agencies also announce their response to the comments received regarding the proposed decision. The Coastal Zone Act Reauthorization Amendments (CZARA) directs states and territories with coastal zone management programs previously approved under Section 306 of the

Coastal Zone Management Act to develop and implement coastal nonpoint programs, which must be submitted to NOAA and EPA for approval.

FOR FURTHER INFORMATION CONTACT: Allison Castellan, Stewardship Division, (N/ORM3), Office for Coastal Management, NOS, NOAA, 1305 East-West Highway, Silver Spring, Maryland, 20910, phone (301) 713-3155, x125, email Allison.Castellan@noaa.gov.

(Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration)

SUPPLEMENTARY INFORMATION: NOAA and EPA (federal agencies) find that Oregon has failed to submit an approvable coastal nonpoint program. Section 6217(a) of the Coastal Zone Act Reauthorization Amendments (CZARA), 16 U.S.C. section 1455b(a), requires that each state (or territory) with a coastal zone management program previously approved under section 306 of the Coastal Zone Management Act must prepare and submit to the federal agencies a coastal nonpoint pollution control program (coastal nonpoint program) for approval. State coastal nonpoint pollution control programs were to be submitted to the federal agencies for approval by July 1995, and Oregon submitted its program by that date. The federal agencies provided public notice of and invited public comment on their proposal to approve, with conditions, the Oregon program (62 FR 6216). The federal agencies approved the program by letter dated January 13, 1998, subject to the conditions specified in the letter (63 FR 11655). All of these remaining conditions must be met for Oregon to have a fully approvable coastal nonpoint program. The current action addresses only the additional management measures related to forestry.

Over time, Oregon has made incremental changes to its program in order to satisfy the identified conditions. As explained in the determination document, however, the federal agencies find that Oregon has not yet submitted a fully approvable program to meet all conditions and the federal agencies find that the State has failed to submit a program that is approvable under CZARA. The determination document describes why Oregon's program has not yet satisfied the remaining conditions that relate to controlling adverse water quality impacts from forestry.

On December 20, 2013, NOAA and EPA announced their intent to find that Oregon has failed to submit an approvable coastal nonpoint program in the Federal Register and provided a 90-day public comment period on the proposed decision (78 FR 77104).

The decision document, response to comments, public comments received, and other supporting information used to make this determination, are available on the NOAA website at <http://coast.noaa.gov/czm/pollutioncontrol/>. Hard copies are available at: U.S. Environmental Protection Agency, Oregon Operations Office, 805 SW Broadway, Suite 500, Portland, Oregon, 97205, Tom Townsend, phone (503) 326-3250.

Dated: _____

Russell Callender, Ph.D.

Acting Assistant Administrator

for Ocean Services,

National Oceanic and

Atmospheric Administration

Ken Kopocis

Deputy Assistant Administrator

for Office of Water

Environmental Protection

Agency

3510-08-M

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Over time, Oregon has made incremental changes to its program in order to satisfy the identified conditions. ~~As explained in the determination document, however,~~ the federal agencies find that Oregon has not yet submitted a fully approvable program to meet all conditions and ~~that the federal agencies find that the State has failed to submit a~~ program that is approvable under CZARA. The ~~determination document~~ describes why Oregon's program has not yet satisfied ~~one of the~~ remaining conditions that relates to controlling adverse water quality impacts from forestry.

Comment [HL1]: Could add a sentence acknowledging the states' progress in addressing MMs over time – e.g., provide the number with interim approval since 1998

Comment [PC2]: Building on Lynda's comment, and, add that State has provided information to address the shortfalls for on-site disposal and new development.

Comment [PC3]: This is a question of terminology. I'm not entirely sure what this refers to. Is this our findings document, our decision letter, or something else?

Comment [PC4]: Same comment as above.

On December 20, 2013, NOAA and EPA announced their intent to find that Oregon has failed to submit an approvable coastal nonpoint program in the Federal Register and provided a 90-day public comment period on the proposed decision (78 FR 77104).

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Comment [PC5]: Again, what is this refer to? Is this the "determination" document mentioned above? And is that the same as the findings document? If decision document, determination document and findings document are all one and the same, let's be clear and use consistent terminology. It could also be that I'm just not clear in my own mind about all the documents and what they are called.

Dated: _____

Russell Callender, Ph.D.

Acting Assistant Administrator

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